

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

IVAN LEE MATTHEWS, II,

Plaintiff,

v.

WILLIAM REUBART, *et al.*,

Defendant.

Case No. 3:19-cv-00221-MMD-CLB

ORDER

Pro se Plaintiff Ivan Lee Matthews, II brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 24), recommending the Court grant Defendant William Reubart’s motion for summary judgment (ECF No. 12 (“Motion”)), enter judgment in Defendant’s favor, and close this case. Plaintiff had until October 13, 2021, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will grant Defendant’s Motion.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review, and is
2 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends that the
3 Court grant the Motion because the evidence presented with the Motion shows Defendant
4 did not personally participate in the alleged constitutional violations (ECF No. 24 at 7-9),
5 even considering that Defendant is the pertinent prison's grievance coordinator (*id.* at 10-
6 11), or, alternatively, because there is no evidence Defendant knew of Plaintiff's
7 "condition or that he deliberately ignored his condition placing him at risk of harm" (*id.* at
8 11-13). The Court agrees with Judge Baldwin. Having reviewed the R&R and the record
9 in this case, the Court will adopt the R&R in full.

10 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
11 No. 24) is accepted and adopted in full.

12 It is further ordered that Defendant Reubart's motion for summary judgment (ECF
13 No. 12) is granted.

14 The Clerk of Court is directed to enter judgment accordingly, in Defendant
15 Reubart's favor, and close this case.

16 DATED THIS 20th Day of October 2021.

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20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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